

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 27TH DAY OF JANUARY 2003, AT 7:15 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Larry N. Rush	-Chair
	Annette S. Perkins	-Vice Chairman
	Mary W. Biggs	-Supervisors
	Gary D. Creed	
	John A. Muffo	
	C.P. Shorter	
	Jeffrey D. Johnson	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	T.C. Powers, Jr.	-Planning Director
	Robert C. Parker	-Public Information Officer
	Vickie L. Swinney	-Secretary

ABSENT:	James D. Politis	-Supervisor
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CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Chair called the meeting to order and the Pledge of Allegiance was recited.

PUBLIC HEARINGS

Special Use Permit

Carilion Health Corporation (Agent: Draper Aden Associates) requests a Special Use Permit, with possible conditions, in Planned Unit Development- Commercial (PUD-COM) to amend the Concept Development Plan. The property is located at 2900 Lamb Circle and is identified as Tax Parcel No. 104-A-26 (Acct ID #009207) in the Riner Magisterial District. The property currently lies in an area designated as Planned Commercial in the Comprehensive Plan.

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The Planning Director explained that Carilion New River Valley Medical Center has requested a Special Use Permit to continue the existing hospital use and allow the development of additional hospital related structures. A 63,000 square foot medical office building including a 17,000 square foot cancer center is proposed and patient room additions to Pods A, B, C and D. At their January 15, 2003 meeting the Planning Commission recommended approval of this request with two new conditions:

1. Property shall be developed in substantial conformance with the master plan prepared by Draper Aden Associates dated December 12, 2002, last revised January 16, 2003.
2. Carilion shall pay at least one-half (1/2) of the cost, in conjunction with other private developers, to install a VDOT proposed traffic light and necessary intersection improvements at the Barn Road (SR 627) and Tyler Avenue (SR 600) intersection. The remaining one-half (1/2) of funds is expected to come from the state revenue sharing program. These improvements shall be completed prior to occupancy of the proposed buildings shown on the conceptual master plan.

In addition, the conditions dated October 14, 2002 will remain in effect.

Matt Perry Administrator for the New River Valley Medical Center, explained the need for expansion at the hospital. The 63,000 square foot building will be a multi-use building. Medical Offices will be located on the first floor while a cancer center will be located on the second floor. There is a tremendous need for a cancer center in the New River Valley. Pulaski Community Hospital does have a cancer center but they have exceeded their capacity, creating a need for an additional center. Mr. Perry also explained the need for expansion to the existing patient pods. The expansion will allow for additional patient rooms.

Dr. Bob Rotche addressed the need for a cancer center in the New River Valley. Dr. Rotche explained that Pulaski Community Hospital has exceeded their capacity due to the increase of demand for the center. Dr. Rotche urged the Board to support New River Valley Medical Center's request for amendment to their concept plan.

Margaret Smith addressed concerns about tax issues with the New River Valley Medical Center and with traffic issues. Ms. Smith wondered if Montgomery County is receiving any real estate taxes from Carilion and if the new addition would be tax exempt. Ms. Smith stated that Carilion has necessitated increased fire protection and increased capacity for wastewater services at the cost of taxpayers. The County should make sure we can afford all the additional infrastructure. Ms. Smith also addressed concerns with the proposed improvements at the Barn Road and Tyler Avenue intersection.

Charlie Bowles addressed concerns with the proposed road improvements at the Barn Road and Tyler

Avenue intersection. Mr. Bowles stated the Board should take into consideration the impact of traffic on Barn Road if Meadow Creek Road was closed off. For example, if there was a detour of interstate traffic, consider the number of tractor trailers and vehicles traveling on Barn Road which wouldl intermingle with hospital traffic. Mr. Bowles believes there are better options than to close Meadow Creek Road.

There being no further speakers, the public hearing was closed.

Amend Chapter 10, Zoning, of the Montgomery County Code

Montgomery County Planning Commission proposes amendments to Chapter 10, Zoning, of the Montgomery County Code.

The Planning Director reported that this public hearing will be readvertise.

There being no speakers the public hearing was closed.

PUBLIC ADDRESS

Margaret Smith updated the Board on the Friends of Riner meeting held November 26, 2002. Discussion included transportation issues, particularly the congestion problems associated with the Route 8 corridor.

Another issue discussed was growth in the Riner area and the need to control growth and encourage farming. Ms. Smith also expressed her concern with the proposed expansion area for Peppers Ferry Regional Wastewater Treatment Authority.

ADD TO THE AGENDA - ADDENDUM

On a motion by Mary W. Biggs, seconded by C.P. Shorter and carried unanimously, the following Addendum dated January 27, 2003 was added to the Consent Agenda:

1. Dry Well Replacement and Indoor Plumbing/Housing Rehabilitation Program

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C.P. Shorter	None	James D. Politis
Annette S. Perkins		
Mary W. Biggs		
Gary D. Creed		
John A. Muffo		
Larry N. Rush		

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CONSENT AGENDA

On a motion by Mary W. Biggs, seconded by C.P. Shorter and carried unanimously, the Consent Agenda dated January 27, 2003 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	James D. Politis
Annette S. Perkins		
Gary D. Creed		
C.P. Shorter		
Mary W. Biggs		
Larry N. Rush		

Approval of Minutes - November 13, 2002

On a motion by Mary W. Biggs, seconded by C.P. Shorter and carried unanimously, the minutes dated November 13, 2002 were approved.

Speed Study Request - Old Roanoke Road

On a motion by Mary W. Biggs, seconded by C.P. Shorter and carried unanimously,

WHEREAS, The County Administrator has received a petition from concerned citizens requesting the Virginia Department of Transportation to conduct a speed study on Old Roanoke Road beginning at the intersection of Old Roanoke Road and US 460 to the end of the road to improve the safety in this area; and

WHEREAS, Pursuant to the Board's policy adopted November 13, 1996, this petition contains the signatures of a least 50% of the property owners along the specified road.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby respectfully requests the Virginia Department of Transportation to conduct a speed study on said road to determine the feasibility of reducing the speed limit to 35 m.p.h. to improve the safety of this area.

Livestock Claim - Ronald Akers, Jr.

On a motion by Mary W. Biggs, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that Ronald Akers, Jr. is hereby compensated \$350.00 for the loss of one 500 lb steer on January 8, 2003.

Appointment -Emergency Services Director

On a motion by Mary W. Biggs, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Jeffrey D. Johnson, County Administrator**, as Director of Emergency Services effective January 1, 2003 and ending December 31, 2003.

Dry Well Replacement and Indoor Plumbing/Housing Rehabilitation Program

On a motion by Mary W. Biggs, seconded by C.P. Shorter and carried unanimously,

WHEREAS, The Dry Well Replacement Program (DWRP) is a new, temporary set-aside program in which \$2.5 million has been reserved to provide financial assistance to low and moderate-income households who have experienced a complete loss of water at their private water source as a result of drought conditions in 2002; and

WHEREAS, Funding for this program will be provided by the Community Development Block Grant (CDBG) and the Indoor Plumbing Rehabilitation (IPR) programs; and

WHEREAS, Community Housing Partners Corporation, the County's current subrecipient for the Indoor Plumbing Rehabilitation Program does not wish to continue as the subrecipient; and

WHEREAS, Southeast Rural Community Assistance Project, Inc. has indicated their willingness to be the County's subrecipient for the Indoor Plumbing Program and administer the Dry Well Replacement Program.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby designates Southeast Rural Community Assistance Project, Inc. to be the County's subrecipient for the Indoor Plumbing/Housing Rehabilitation Program and the Dry Well Replacement Program.

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BE IT FURTHER RESOLVED, The County Administrator is hereby authorized to write a letter to the Virginia Department of Housing and Community Development naming Southeast Rural Community Assistance Project, Inc. as the County's Subrecipient.

NEW BUSINESS

Memorandum of Understanding - Metropolitan Planning Organization

On a motion by John A. Muffo, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby approves the Memorandum of Understanding for a Continuing, Cooperative and Comprehensive Transportation Planning and Programming Process for the "Blacksburg Urbanized" Area.

FURTHER BE IT RESOLVED, Larry N. Rush, Chairman, is hereby authorized to execute said document on behalf of Montgomery County.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	James D. Politis
C.P. Shorter		
Gary D. Creed		
Annette S. Perkins		
John A. Muffo		
Larry N. Rush		

Board of Supervisors - Appropriation for Tax Consulting Services, Transitional Audit and Legal Services

On a motion by C.P. Shorter, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2003, for the function and in the amount as follows:

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100 Board of Supervisors \$78,000

The source of the funds for the foregoing appropriation is as follows:

Revenue Account

451203 Undesignated Fund Balance \$78,000

Said resolution appropriates fund balance monies to cover the estimated costs of tax consulting services provided by Robinson, Farmer, Cox Associates (RFC) through June 2003, a transitional audit conducted by RFC required for the transition of County Treasurer and legal services.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C.P. Shorter	None	James D. Politis
Gary D. Creed		
Annette S. Perkins		
John A. Muffo		
Mary W. Biggs		
Larry N. Rush		

Pepper's Ferry Regional Wastewater Treatment Authority

On a motion by C.P. Shorter, seconded by Gary D. Creed and carried unanimously,

WHEREAS, The County of Montgomery is a member of the Pepper's Ferry Regional Wastewater Treatment Authority; and

WHEREAS, The Pepper's Ferry Regional Wastewater Treatment Authority (PFRWTA) has designated service areas where they presently provide wastewater service and planning areas where the PFRWTA may plan to provide service over a twenty year planning period; and

WHEREAS, The Board of Supervisors of the County of Montgomery recognize that should additional wastewater capacity be needed to serve the Childress, Riner and Bethel areas of Montgomery County over the next twenty years, it makes more sense to direct the wastewater to PFRWTA than to plan for other wastewater alternatives; and

WHEREAS, The Childress, Riner and Bethel areas of Montgomery County are currently not in

the PFRWTA planning area; and

WHEREAS, The Board of Supervisors hereby desires to have the PFRWTA include the Childress, Riner and Bethel areas of Montgomery County as shown on the attached map entitled “Montgomery County, Virginia Proposed Peppers Ferry Planning/Service Area”, dated 1/23/03, within the Pepper’s Ferry Regional Wastewater Treatment Authority’s Overall Planning Area.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia, hereby requests the Pepper’s Ferry Regional Wastewater Treatment Authority to include the Childress, Riner and Bethel areas of Montgomery County as shown on the attached map entitled “Montgomery County, Virginia Proposed Peppers Ferry Planning/Service Area” dated 1/23/03, within the Pepper’s Ferry Regional Wastewater Treatment Authority’s Overall Planning Area.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	James D. Politis
Annette S. Perkins		
John A. Muffo		
Mary W. Biggs		
C.P. Shorter		
Larry N. Rush		

COUNTY ADMINISTRATOR’S REPORT

Grant Funding The County Administrator reported that Montgomery County received \$65,000 in grant funding for Emergency Medical Services for planning and equipment. This grant will be shared by the Town of Blacksburg and the Town of Christiansburg. The Fire & Rescue Task Force will be meeting on January 30, 2003 and will be asked to make a recommendation on how to use this money.

Virginia Cooperative Extension - The County Administrator reported that adjoining localities have agreed to join forces and retain the services of Extension Agents on a part-time basis. This would allow two extension agents to continue to work on a part-time basis, which is a valuable service to the citizens of the New River Valley. This is a fine example of jurisdictions working together for the benefit of the citizens.

BOARD MEMBERS' REPORTS

Supervisor Biggs attended the VACo/VML Legislative Day along with the County Administrator, Supervisor Perkins, Supervisor Shorter, and Supervisor Politis. They met with Senator John Edwards, Delegate Jim Shuler and Delegate Dave Nutter and discussed issues of importance to Montgomery County. Overall the day was a success.

VACo Steering Committee - Supervisor Biggs announced she was invited by VACo to serve as the vice-chair on the VACo Education Steering Committee.

Merchants Capital Tax Supervisor Biggs said she still would like to have the Commissioner of Revenue come before the Board to discuss issues about the Merchants Capital tax. The County Administrator suggested that questions from the Board should be given to the Commissioner in a written format to allow her time to gather information and data ahead of time.

Supervisor Shorter - Virginia Cooperative Extension Agents Supervisor Shorter believes that Montgomery County should continue to fund the Extension Agent position and use this funding to retain two Extension Agents part-time.

Virginia Cooperative Extension

On a motion by C. P. Shorter, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby approves the use of funds already appropriated for the salary of an extension agent in the FY 2002-2003 budget to be used to pay for extension agent services on a part-time basis through June 30, 2003, provided that Montgomery County's Extension Agent position is not filled by Virginia Tech but remains vacant.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	James D. Politis
Gary D. Creed		
Annette S. Perkins		
John A. Muffo		
C. P. Shorter		

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Larry N. Rush

Board Reports' Continued

Structure of County Government - Supervisor Shorter suggested the Board should look into the possibility of changing the form of government in Montgomery County to a County Manager form of government. This would eliminate the need for a Treasurer or Commissioner of Revenue. The County Attorney explained that this would have to be in form of a voter referendum for the citizens of Montgomery County to decide. The County Attorney stated he would provide the Board members with the process and staff would report on the advantages and disadvantages of a managerial form of government.

Supervisor Muffo received the Comprehensive Annual Financial Report for Fiscal Year ending June 30, 2002. He has several questions concerning the report. The County Administrator explained that the Auditors, Robinson, Farmer, Cox and Associates will be presenting a formal report at an upcoming board meeting.

Supervisor Perkins League of Women Voters Supervisor Perkins received a letter from the League of Women Voters about the annual breakfast meeting. She requested staff to contact the League of Women Voters and provide names of Board members who plan to attend.

Workforce Investment Act - WIA Supervisor Perkins reported that several counties, through the WIA, have received grant money to study the types of service availability in their locality.

Supervisor Creed Riffe Street Supervisor Creed said he would like to have the misunderstanding about Riffe Street cleared up. There seems to be confusion as to whether Riffe Street is a private road or a public road. VDOT indicates that it is a private road but they are required to maintain it due to the school. The Planning Director explained there is a 30 ft right-of-way recorded back in 1940, therefore deeming it a public road. In order for VDOT to consider adding this road to the secondary system of state highways, a 40 foot right-of-way is needed on the second section of Riffe Street. Supervisor Creed requested staff contact VDOT to determine the proper amount of right-of-way needed for the entire road. The County Administrator stated that Riffe Street has been added to the County's Rural Addition List in order for it to get paved and the Planning Department is working on acquiring right-of-way needed. Once all the right-of-way is acquired, it will move up on the Rural Addition list accordingly.

INTO CLOSED MEETING

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On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711 (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Discipling or Resignation of Specific Public Officers, Appointees or Employees
1. Personnel Matter
2. Transportation Safety Commission
- (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiation Strategy of the Public Body
1. Public Owned Property - Blacksburg Middle School

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	James D. Politis
C.P. Shorter		
Gary D. Creed		
Annette S. Perkins		
John A. Muffo		
Larry N. Rush		

OUT OF CLOSED MEETING

On a motion by C.P. Shorter, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
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Mary W. Biggs None James D. Politis
C.P. Shorter
Gary D. Creed
Annette S. Perkins
John A. Muffo
Larry N. Rush

CERTIFICATION OF CLOSED MEETING

On a motion by Annette S. Perkins, seconded by C.P. Shorter and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

Mary W. Biggs
C.P. Shorter
Gary D. Creed
Annette S. Perkins
John A. Muffo
Larry N. Rush

NAYS

None

ABSENT DURING VOTE

James D. Politis

ABSENT DURING MEETING

James D. Politis

APPOINTMENTS

Transportation Safety Commission

On a motion by Annette S. Perkins, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia reappoints **Rebecca Mamau** to the Transportation Safety Commission effective January 28, 2003 and expiring January 27, 2006.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	James D. Politis
Mary W. Biggs		
C.P. Shorter		
Gary D. Creed		
John A. Muffo		
Larry N. Rush		

OTHER BUSINESS

Board of Equalization - Extend Deadline for Disposition of Appeals

On a motion by John A. Muffo, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby authorizes the deadline for disposition of appeals by the Board of Equalization of Montgomery County to be extended from March 2, 2003 to March 14, 2003, to be set by ordinance following a public hearing.

The vote on the foregoing resolution was as follows:

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<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	James D. Politis
C.P. Shorter		
Gary D. Creed		
Annette S. Perkins		
John A. Muffo		
Larry N. Rush		

ADJOURNMENT

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously, the Board adjourned to Wednesday, January 29, 2003 at 6:00 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	James D. Politis
C.P. Shorter		
Gary D. Creed		
Annette S. Perkins		
John A. Muffo		
Larry N. Rush		

The meeting adjourned at 10:05 p.m.